

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 05-cv-11745

Barbara Deighton Haupt, et al

v.

Town of Wareham, et la

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered: 1-80

and contained in 1 Volume(s) are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 6/7/2007.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on June 15, 2007.



Sarah A. Thornton, Clerk of Court

Receipt of the documents in the above entitled case is hereby acknowledged this date: 6/15/07

D. Barchuk
Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:05-cv-11745-RWZ
Internal Use Only**

Haupt v. Wareham, Town of et al
Assigned to: Judge Rya W. Zobel
Demand: \$4,250,000
Cause: 28:1331 Federal Question: EPA
Waste Lien

Date Filed: 08/23/2005
Date Terminated: 04/19/2007
Jury Demand: Plaintiff
Nature of Suit: 210
Condemnation
Jurisdiction: Diversity

Plaintiff

Barbara Deighton Haupt
Trustee of BD Realty Trust

represented by **Jeffrey T. Angley**
Phillips & Angley
One Bowdoin Square
Boston, MA 02114
617-367-8787
Fax: 617-227-8992
Email: jangley@phillips-
angley.com
LEAD ATTORNEY
ATTORNEY TO BE
NOTICED

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Email: kploetz@phillips-
angley.com
ATTORNEY TO BE
NOTICED

V.

Defendant

Wareham, Town of
*actin by and through the
Board of Selectmen of the
Town of Wareham*

represented by **Richard P. Bowen**
Kopelman & Paige, PC
31 St. James Avenue
Boston, MA 02116
617-556-0007
Fax: 617-654-1735
Email: rbowen@k-plaw.com
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Jeffrey T Blake
Kopelman & Paige, PC
31 St James Avenue
Boston, MA 02116
617 556 0007
Fax: 617 654 1735
Email: jblake@K-Plaw.com
ATTORNEY TO BE
NOTICED

Defendant

**Board of Selectmen of the
Town of Wareham**

represented by **Richard P. Bowen**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE
NOTICED

Jeffrey T Blake
(See above for address)
ATTORNEY TO BE
NOTICED

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09/26/2005	<u>7</u>	NOTICE of Appearance by Jeffrey T Blake on behalf of all defendants (Blake, Jeffrey) (Entered: 09/26/2005)
09/27/2005	•	Notice of correction to docket made by Court staff. Correction: #7 Notice of Appearance corrected because: Document not filed by the attorney who signed the document. (Johnson, Jay) (Entered: 09/27/2005)
10/03/2005	<u>8</u>	NOTICE of Appearance by Richard P. Bowen on behalf of all defendants (Bowen, Richard) (Entered: 10/03/2005)
11/09/2005	<u>9</u>	NOTICE of Appearance by Kristen M. Ploetz on behalf of Barbara Deighton Haupt (Ploetz, Kristen) (Entered: 11/09/2005)
11/10/2005	<u>10</u>	JOINT STATEMENT re scheduling conference. (Ploetz, Kristen) Additional attachment(s) added on 11/14/2005 (Johnson, Jay). (Entered: 11/10/2005)
11/15/2005	<u>11</u>	CERTIFICATION pursuant to Local Rule 16.1 by Wareham, Town of, Board of Selectmen of the Town of Wareham.(Blake, Jeffrey) (Entered: 11/15/2005)
11/15/2005	•	ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel : Scheduling Conference held on 11/15/2005. ; requests for admissions; 7/15/06; responses 8/15/06; expert & reports 3/15/06; defendant expert & report 6/15/06; depositions by 8/15/06; Further Scheduling Conference set for 8/17/2006 02:00 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 11/15/2005)
11/15/2005	<u>12</u>	CERTIFICATE OF CONSULTATION by Richard P. Bowen on behalf of Wareham, Town of, Board of Selectmen of the Town of Wareham. (Urso, Lisa) (Entered: 11/15/2005)
11/15/2005	<u>13</u>	CERTIFICATE OF CONSULTATION by Jeffrey T.

		Angley on behalf of Barbara Deighton Haupt. (Urso, Lisa) (Entered: 11/15/2005)
03/14/2006	• 14	Joint MOTION for Extension of Time to March 29, 2006 for Plaintiff and June 29, 2006 for Defendants to Designate Experts and Disclose Expert Reports and Anticipated Testimony by Barbara Deighton Haupt. (Ploetz, Kristen) (Entered: 03/14/2006)
03/27/2006	•	Judge Rya W. Zobel : Electronic ORDER entered granting 14 Motion for Extension of Time; plaintiff's experts 3/29/06; defendant's 6/29/06 (Urso, Lisa) (Entered: 03/27/2006)
07/14/2006	• 15	MOTION for Extension of Time by all parties.(Blake, Jeffrey) (Entered: 07/14/2006)
08/17/2006	•	ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel : Further Scheduling Conference held on 8/17/2006. Discovery to be completed by 9/29/2006. Pretrial Conference set for 10/11/2006 02:30 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 08/18/2006)
09/13/2006	• 16	STIPULATION of Dismissal of <i>Count I (Bad Faith Taking)</i> by Barbara Deighton Haupt, Wareham, Town of, Board of Selectmen of the Town of Wareham. (Ploetz, Kristen) (Entered: 09/13/2006)
09/20/2006	• 17	Judge Rya W. Zobel : ORDER entered. PROCEDURAL ORDER re pretrial/trial Final Pretrial Conference set for 10/11/2006 02:30 PM in Courtroom 12 before Judge Rya W. Zobel.(Urso, Lisa) (Entered: 09/20/2006)
10/03/2006	• 18	Joint MOTION to Continue <i>Pretrial Conference for Thirty Days</i> by Barbara Deighton Haupt.(Ploetz, Kristen) (Entered: 10/03/2006)
10/04/2006	•	Judge Rya W. Zobel : Electronic ORDER entered granting 15 Motion for Extension of Time, granting 18

		Motion to Continue Pretrial Conference set for 11/15/2006 03:00 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 10/04/2006)
11/14/2006	19	PRETRIAL MEMORANDUM by Barbara Deighton Haupt, Wareham, Town of, Board of Selectmen of the Town of Wareham. (Ploetz, Kristen) (Entered: 11/14/2006)
11/15/2006		ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel : Final Pretrial Conference held on 11/15/2006. Motions due by 3/6/2007. Hearing set for 3/8/07; Jury Trial set for 4/9/2007 09:00 AM in Courtroom 12 before Judge Rya W. Zobel. 8 jurors; 5 days; (Urso, Lisa) (Entered: 11/15/2006)
11/15/2006	20	PRETRIAL MEMORANDUM by Barbara Deighton Haupt, Wareham, Town of, Board of Selectmen of the Town of Wareham. (Ploetz, Kristen) (Entered: 11/15/2006)
12/20/2006	21	Judge Rya W. Zobel : ORDER entered. PROCEDURAL ORDER re pretrial/trial Jury Trial set for 4/9/2007 09:00 AM in Courtroom 12 before Judge Rya W. Zobel.(Urso, Lisa) (Entered: 12/21/2006)
03/06/2007	22	MOTION in Limine <i>to Bar Testimony of Godfrey & Adams</i> by Barbara Deighton Haupt. (Attachments: # <u>1</u> Exhibit Letter dated January 17, 2007# <u>2</u> Exhibit Def. Supp. to Witness List (Godfrey)# <u>3</u> Exhibit Def. Supp. to Witness List (Adams))(Ploetz, Kristen) (Entered: 03/06/2007)
03/06/2007	23	MOTION in Limine <i>Legal Ruling That A Nonprofit Recreational Beach Club Is An Allowed Use Under Wareham Zoning Bylaw</i> by Barbara Deighton Haupt. (Attachments: # <u>1</u> Exhibit Expert Report Michael Giaimo, Esq.# <u>2</u> Exhibit Wareham Zoning Bylaw (cited sections)# <u>3</u> Exhibit Supp. Expert Report Michael Giaimo, Esq.)(Ploetz, Kristen) (Entered: 03/06/2007)

		03/06/2007)
03/06/2007	<u>24</u>	MOTION in Limine to Bar Evidence of the Appraisal Undertaken by John Mello in 2003 on Behalf of the Town of Wareham by Barbara Deighton Haupt. (Attachments: # 1 Exhibit Def. Answers to Interrogatories (#5,6,7))(Ploetz, Kristen) (Entered: 03/06/2007)
03/06/2007	<u>25</u>	MOTION in Limine to Bar or Limit Robert Daylor's Trial Testimony Regarding Wetlands on the Premises by Barbara Deighton Haupt. (Attachments: # 1 Exhibit Depo. Transcript of Robert Daylor (cited portions)# 2 Exhibit Daylor Expert Report (cited portions))(Ploetz, Kristen) (Entered: 03/06/2007)
03/06/2007	<u>26</u>	MOTION in Limine to Bar Testimony Regarding Impact That Jury Verdict in Favor of Plaintiff May Have on Wareham Citizens and to Bar Testimony Regarding Any Increase in Property Values or Local Economy That May Result From Taking of the Premises by Barbara Deighton Haupt.(Ploetz, Kristen) (Entered: 03/06/2007)
03/06/2007	<u>27</u>	MOTION in Limine to Bar Testimony Regarding Availability of Pre- and Post-Judgment Interest by Barbara Deighton Haupt.(Ploetz, Kristen) (Entered: 03/06/2007)
03/06/2007	<u>28</u>	MOTION in Limine to Bar Testimony Regarding the Assessed Values of the Premises by Barbara Deighton Haupt.(Ploetz, Kristen) (Entered: 03/06/2007)
03/06/2007	<u>29</u>	MOTION in Limine to Bar Evidence of the Pro Tanto Payment Paid by the Town to Plaintiff for the Taking of the Premises by Eminent Domain by Barbara Deighton Haupt.(Ploetz, Kristen) (Entered: 03/06/2007)
03/06/2007	<u>30</u>	MOTION in Limine to Bar Evidence of Plaintiff's Purchase Price for the Premises by Barbara Deighton

		Haupt.(Ploetz, Kristen) (Entered: 03/06/2007)
03/06/2007	<u>31</u>	MOTION in Limine <i>To Exclude Testimony and Evidence Concerning Prior Use of the Premises</i> by Wareham, Town of, Board of Selectmen of the Town of Wareham.(Blake, Jeffrey) (Entered: 03/06/2007)
03/06/2007	<u>32</u>	MOTION in Limine <i>To Exclude Testimony and Evidence of a Lease Agreement Between Bruce Sauvageau and BD Realty Trust</i> by Wareham, Town of, Board of Selectmen of the Town of Wareham. (Attachments: # <u>1</u> Exhibit A)(Blake, Jeffrey) (Entered: 03/06/2007)
03/06/2007	<u>33</u>	MOTION in Limine <i>To Exclude Testimony and Evidence of Plaintiff's Proposed Use as a Beach Club and any Alleged Comparable Properties Relied Upon</i> by Wareham, Town of, Board of Selectmen of the Town of Wareham. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit A# <u>3</u> Exhibit B# <u>4</u> Exhibit B# <u>5</u> Exhibit B# <u>6</u> Exhibit C)(Blake, Jeffrey) (Entered: 03/06/2007)
03/06/2007	<u>34</u>	MOTION in Limine <i>To Exclude Testimony and Evidence Concerning Town Statistics</i> by Wareham, Town of, Board of Selectmen of the Town of Wareham. (Attachments: # <u>1</u> Exhibit A)(Blake, Jeffrey) (Entered: 03/06/2007)
03/06/2007	<u>35</u>	MOTION in Limine <i>for Legal Ruling Restricting Pl's Evidence of Wetland Resource Delineation at Subject Property</i> by Wareham, Town of, Board of Selectmen of the Town of Wareham. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit A# <u>3</u> Exhibit B# <u>4</u> Exhibit B# <u>5</u> Exhibit C# <u>6</u> Exhibit C)(Blake, Jeffrey) (Entered: 03/06/2007)
03/06/2007	<u>36</u>	Opposition re <u>33</u> MOTION in Limine <i>To Exclude Testimony and Evidence of Plaintiff's Proposed Use as a Beach Club and any Alleged Comparable Properties Relied Upon</i> filed by Barbara Deighton Haupt. (Attachments: # <u>1</u> Exhibit Supplemental Expert Report

		Steven G. Elliott# 2 Exhibit Deposition Transcript Steven Elliott (cited portions))(Ploetz, Kristen) (Entered: 03/06/2007)
03/06/2007	37	Opposition re 31 MOTION in Limine <i>To Exclude Testimony and Evidence Concerning Prior Use of the Premises</i> filed by Barbara Deighton Haupt. (Ploetz, Kristen) (Entered: 03/06/2007)
03/06/2007	38	Opposition re 34 MOTION in Limine <i>To Exclude Testimony and Evidence Concerning Town Statistics</i> filed by Barbara Deighton Haupt. (Attachments: # 1 Exhibit Affidavit of Mark Bobrowski# 2 Exhibit Wareham ZBA 40B Projects Approved and Pending) (Ploetz, Kristen) (Entered: 03/06/2007)
03/06/2007	39	Opposition re 32 MOTION in Limine <i>To Exclude Testimony and Evidence of a Lease Agreement Between Bruce Sauvageau and BD Realty Trust</i> filed by Barbara Deighton Haupt. (Attachments: # 1 Exhibit Lease)(Ploetz, Kristen) (Entered: 03/06/2007)
03/07/2007	40	Opposition re 35 MOTION in Limine <i>for Legal Ruling Restricting Pl's Evidence of Wetland Resource Delineation at Subject Property</i> filed by Barbara Deighton Haupt. (Attachments: # 1 Exhibit Notice of Intent# 2 Exhibit Order of Conditions# 3 Exhibit Superceding Order of Conditions# 4 Exhibit Expert Report of Lenore White# 5 Exhibit Depo Transcript of Robert Daylor (cited portions))(Ploetz, Kristen) (Entered: 03/07/2007)
03/08/2007	41	Opposition re 30 MOTION in Limine <i>to Bar Evidence of Plaintiff's Purchase Price for the Premises</i> filed by Wareham, Town of, Board of Selectmen of the Town of Wareham. (Attachments: # 1 Exhibit A# 2 Exhibit B)(Blake, Jeffrey) (Entered: 03/08/2007)
03/08/2007	42	Opposition re 28 MOTION in Limine <i>to Bar Testimony Regarding the Assessed Values of the</i>

		<i>Premises</i> filed by Wareham, Town of, Board of Selectmen of the Town of Wareham. (Blake, Jeffrey) (Entered: 03/08/2007)
03/08/2007	43	Opposition re <u>25</u> MOTION in Limine <i>to Bar or Limit Robert Daylor's Trial Testimony Regarding Wetlands on the Premises</i> filed by Wareham, Town of, Board of Selectmen of the Town of Wareham. (Attachments: # <u>1</u> Exhibit A)(Blake, Jeffrey) (Entered: 03/08/2007)
03/08/2007	●	ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel : Motion Hearing held on 3/8/2007 re <u>27</u> MOTION in Limine <i>to Bar Testimony Regarding Availability of Pre- and Post-Judgment Interest</i> filed by Barbara Deighton Haupt,, <u>35</u> MOTION in Limine <i>for Legal Ruling Restricting Pl's Evidence of Wetland Resource Delineation at Subject Property</i> filed by Wareham, Town of,, Board of Selectmen of the Town of Wareham,, <u>31</u> MOTION in Limine <i>To Exclude Testimony and Evidence Concerning Prior Use of the Premises</i> filed by Wareham, Town of,, Board of Selectmen of the Town of Wareham,, <u>24</u> MOTION in Limine <i>to Bar Evidence of the Appraisal Undertaken by John Mello in 2003 on Behalf of the Town of Wareham</i> filed by Barbara Deighton Haupt,, <u>25</u> MOTION in Limine <i>to Bar or Limit Robert Daylor's Trial Testimony Regarding Wetlands on the Premises</i> filed by Barbara Deighton Haupt,, <u>33</u> MOTION in Limine <i>To Exclude Testimony and Evidence of Plaintiff's Proposed Use as a Beach Club and any Alleged Comparable Properties Relied Upon</i> filed by Wareham, Town of,, Board of Selectmen of the Town of Wareham,, <u>29</u> MOTION in Limine <i>to Bar Evidence of the Pro Tanto Payment Paid by the Town to Plaintiff for the Taking of the Premises by Eminent Domain</i> filed by Barbara Deighton Haupt,, <u>23</u> MOTION in Limine <i>Legal Ruling That A Nonprofit Recreational Beach Club Is An</i>

		<i>Allowed Use Under Wareham Zoning Bylaw</i> filed by Barbara Deighton Haupt,, <u>34</u> MOTION in Limine To Exclude Testimony and Evidence Concerning Town Statistics filed by Wareham, Town of,, Board of Selectmen of the Town of Wareham,, <u>30</u> MOTION in Limine to Bar Evidence of Plaintiff's Purchase Price for the Premises filed by Barbara Deighton Haupt,, <u>32</u> MOTION in Limine To Exclude Testimony and Evidence of a Lease Agreement Between Bruce Sauvageau and BD Realty Trust filed by Wareham, Town of,, Board of Selectmen of the Town of Wareham,, <u>22</u> MOTION in Limine to Bar Testimony of Godfrey & Adams filed by Barbara Deighton Haupt,, <u>26</u> MOTION in Limine to Bar Testimony Regarding Impact That Jury Verdict in Favor of Plaintiff May Have on Wareham Citizens and to Bar Testimony Regarding Any Increase in Property Values or Local Economy That May Result From Taking of the Premises filed by Barbara Deighton Haupt,, <u>28</u> MOTION in Limine to Bar Testimony Regarding the Assessed Values of the Premises filed by Barbara Deighton Haupt,. Oppositions due 3/16/07 (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 03/12/2007)
03/15/2007	<u>44</u>	Supplemental RESPONSE to Motion re <u>33</u> MOTION in Limine To Exclude Testimony and Evidence of Plaintiff's Proposed Use as a Beach Club and any Alleged Comparable Properties Relied Upon filed by Barbara Deighton Haupt. (Attachments: # <u>1</u> Exhibit 1) (Ploetz, Kristen) (Entered: 03/15/2007)
03/16/2007	<u>45</u>	Defendants' Reply to Plaintiff's Supplemental Opposition to Defendants' Motion in Limine to Exclude any and all Evidence and Testimony of Plaintiff's Proposed use of the Property as Beach Club and any Alleged Comparable Beach Club Properties Relied upon by the Plaintiff by Wareham, Town of,

		Board of Selectmen of the Town of Wareham.(Blake, Jeffrey) Modified on 3/19/2007 (Johnson, Jay). (Entered: 03/16/2007)
03/16/2007	46	MOTION for Hearing re 45 Supplemental MOTION in Limine <i>Defendants' Reply to Plaintiff's Supplemental Opposition to Defendants' Motion in Limine to Exclude any and all Evidence and Testimony of Plaintiff's Proposed use of the Property as Beach Club and any by Wareham, Town of, Board of Selectmen of the Town of Wareham.</i> (Blake, Jeffrey) (Entered: 03/16/2007)
03/19/2007		Notice of correction to docket made by Court staff. Correction: #45 Motion in Limine (supplemental) corrected because: WRONG EVENT. This document is not a motion. E-mail sent describing the fix. (Johnson, Jay) (Entered: 03/19/2007)
03/19/2007		Documents terminated: 45 Supplemental MOTION in Limine <i>Defendants' Reply to Plaintiff's Supplemental Opposition to Defendants' Motion in Limine to Exclude any and all Evidence and Testimony of Plaintiff's Proposed use of the Property as Beach Club and any filed by Wareham, Town of,, Board of Selectmen of the Town of Wareham,.</i> (Johnson, Jay) (Entered: 03/19/2007)
03/26/2007	47	<i>Plaintiff's</i> Witness List by Barbara Deighton Haupt. (Ploetz, Kristen) (Entered: 03/26/2007)
03/27/2007	48	<i>Defendants'</i> Witness List by Wareham, Town of, Board of Selectmen of the Town of Wareham. (Blake, Jeffrey) (Entered: 03/27/2007)
04/02/2007	49	Proposed Voir Dire by Barbara Deighton Haupt. (Ploetz, Kristen) (Entered: 04/02/2007)
04/02/2007	50	Proposed Jury Questions by all defendants. (Blake, Jeffrey) (Entered: 04/02/2007)

04/02/2007	51	Emergency MOTION for Hearing by Wareham, Town of, Board of Selectmen of the Town of Wareham. (Blake, Jeffrey) (Entered: 04/02/2007)
04/02/2007	52	MOTION to Exclude Plaintiff's Expert Testimony by Wareham, Town of, Board of Selectmen of the Town of Wareham. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u>)(Blake, Jeffrey) Modified on 4/3/2007 (Johnson, Jay). (Entered: 04/02/2007)
04/02/2007	53	CERTIFICATE OF CONSULTATION re <u>52</u> MOTION for Excludable Delay. (Blake, Jeffrey) (Entered: 04/02/2007)
04/03/2007	54	Opposition re <u>52</u> MOTION for Excludable Delay filed by Barbara Deighton Haupt. (Ploetz, Kristen) (Entered: 04/03/2007)
04/03/2007	55	Motion for a View of Subject Property by Wareham, Town of, Board of Selectmen of the Town of Wareham.(Blake, Jeffrey) Modified on 4/4/2007 (Johnson, Jay). (Entered: 04/03/2007)
04/09/2007		ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel : Jury Trial Day One held on 4/9/2007. Jury of 8 selected and sworn; plaintiff's openings; defendant's opening; plaintiff's witness #1 Barbara Deighton Haupt; cross; (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 04/09/2007)
04/10/2007		ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel : Jury Trial Day two held on 4/10/2007. Continued cross of witness #1 Haupt; redirect; recross; witness #2 Alan C. Vautrinot, Jr.; cross; witness #3 (expert) Lenore White; cross; redirect; (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 04/10/2007)
04/11/2007		ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel : Jury Trial 3 held on 4/11/2007. Plaintiff's witness #4 Bradley C. McKenzie (expert);

		cross; witness #5 Steven G. Elliott (expert); cross; redirect; recross; plaintiff rests; defendant's witness #1 Robert F. Daylor (expert) (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 04/17/2007)
04/12/2007	56	First MOTION for Judgment as a Matter of Law by Wareham, Town of, Board of Selectmen of the Town of Wareham.(Blake, Jeffrey) (Entered: 04/12/2007)
04/12/2007	57	Second MOTION for Judgment as a Matter of Law by Wareham, Town of, Board of Selectmen of the Town of Wareham.(Blake, Jeffrey) (Entered: 04/12/2007)
04/13/2007	58	Proposed Jury Instructions by all defendants. (Blake, Jeffrey) (Entered: 04/13/2007)
04/13/2007	59	Proposed Jury Instructions by Barbara Deighton Haupt. (Ploetz, Kristen) (Entered: 04/13/2007)
04/13/2007	60	MOTION for Judgment as a Matter of Law by Barbara Deighton Haupt.(Ploetz, Kristen) (Entered: 04/13/2007)
04/13/2007	61	First MOTION for Judgment as a Matter of Law <i>renewed</i> by Wareham, Town of, Board of Selectmen of the Town of Wareham.(Blake, Jeffrey) (Entered: 04/13/2007)
04/13/2007	62	Second MOTION for Judgment as a Matter of Law <i>renewed</i> by Wareham, Town of, Board of Selectmen of the Town of Wareham.(Blake, Jeffrey) (Entered: 04/13/2007)
04/13/2007		ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel : Jury Trial Day 4 held on 4/13/2007. continued direct of defendant witness #1 Daylor; cross; redirect; witness #2 Richard J. Dennis, Sr. (expert); cross; redirect; recross; defense rests; (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 04/17/2007)
04/17/2007	63	Supplemental Proposed Jury Instructions by all

		defendants. (Blake, Jeffrey) (Entered: 04/17/2007)
04/17/2007	<u>64</u>	Supplemental Proposed Jury Instructions by Barbara Deighton Haupt. (Ploetz, Kristen) (Entered: 04/17/2007)
04/18/2007	•	ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel : Jury Trial day 5 completed on 4/18/2007. jury charge' question at 12:50; verdict at 1:55 p.m. (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 04/19/2007)
04/18/2007	<u>65</u>	Exhibit List by Barbara Deighton Haupt, Wareham, Town of, Board of Selectmen of the Town of Wareham.. (Urso, Lisa) (Entered: 04/19/2007)
04/18/2007	<u>66</u>	JURY VERDICT in favor of plaintiff against defendants.(Urso, Lisa) (Entered: 04/19/2007)
04/19/2007	<u>67</u>	Judge Rya W. Zobel : ORDER entered. JUDGMENT in favor of PLAINTIFF against DEFENDANT(Urso, Lisa) (Entered: 04/19/2007)
04/26/2007	<u>68</u>	MOTION for New Trial / <i>Remittitur and/or Motion to Amend Judgment</i> by Wareham, Town of, Board of Selectmen of the Town of Wareham.(Blake, Jeffrey) (Entered: 04/26/2007)
04/26/2007	<u>69</u>	CERTIFICATE OF CONSULTATION re <u>68</u> MOTION for New Trial / <i>Remittitur and/or Motion to Amend Judgment</i> . (Blake, Jeffrey) (Entered: 04/26/2007)
05/03/2007	<u>70</u>	BILL OF COSTS by Barbara Deighton Haupt. (Attachments: # <u>1</u> Affidavit Bill of Costs)(Ploetz, Kristen) (Entered: 05/03/2007)
05/03/2007	<u>71</u>	Letter/request (non-motion) from Plaintiff's Counsel, Kristen M. Ploetz, Esq. <i>Regarding Pre-/Post-Judgment Interest to Be Applied Pursuant to M.G.L. c79, s.37.</i> (Ploetz, Kristen) (Entered: 05/03/2007)

05/04/2007	<u>72</u>	MOTION Motion in opposition to plaintiff's bill of costs by Wareham, Town of, Board of Selectmen of the Town of Wareham.(Blake, Jeffrey) (Entered: 05/04/2007)
05/04/2007	<u>73</u>	CERTIFICATE OF CONSULTATION re <u>72</u> MOTION Motion in opposition to plaintiff's bill of costs. (Blake, Jeffrey) (Entered: 05/04/2007)
05/09/2007	<u>74</u>	Opposition re <u>72</u> MOTION Motion in opposition to plaintiff's bill of costs filed by Barbara Deighton Haupt. (Ploetz, Kristen) (Entered: 05/09/2007)
05/09/2007	<u>75</u>	Judge Rya W. Zobel : ORDER entered. AMENDED JUDGMENT in favor of plaintiff against defendant in the amount of \$1,550,000.00.(Urso, Lisa) (Entered: 05/09/2007)
05/10/2007	<u>76</u>	Opposition re <u>68</u> MOTION for New Trial / <i>Remittitur and/or Motion to Amend Judgment</i> filed by Barbara Deighton Haupt. (Ploetz, Kristen) (Entered: 05/10/2007)
05/15/2007		Judge Rya W. Zobel : endorsedORDER entered denying <u>68</u> Motion for New Trial. There was ample evidence to support the verdict. The jury was not bound to accept the figures provided by the experts. (Urso, Lisa) (Entered: 05/16/2007)
05/15/2007		Judge Rya W. Zobel : endorsedORDER entered overruling <u>72</u> Motion in opposition to plaintiff's bill of costs. 28 USC§2412 applies only to cases in which the United States is a party and under the law of Massachusetts, Mass Gen. Laws ch 79§38, which governs this eminent domain proceeding, plaintiff is a prevailing party. (Urso, Lisa) (Entered: 05/16/2007)
05/17/2007	<u>77</u>	BILL OF COSTS by Barbara Deighton Haupt. (Urso, Lisa) (Entered: 05/17/2007)
05/21/2007	<u>78</u>	Letter/request (non-motion) from Kristen M. Ploetz.

		(Attachments: # 1 Bill of Costs)(Johnson, Jay) (Entered: 05/22/2007)
06/07/2007	<u>79</u>	NOTICE OF APPEAL by Wareham, Town of, Board of Selectmen of the Town of Wareham. Filing fee \$ 455, receipt number 1550792. Appeal Record due by 6/27/2007. (Blake, Jeffrey) Modified on 6/12/2007 (Johnson, Jay). (Entered: 06/07/2007)
06/08/2007	<u>80</u>	TRANSCRIPT ORDER FORM by all defendants re 79 Notice of Appeal (Blake, Jeffrey) Modified on 6/12/2007 (Johnson, Jay). (Entered: 06/08/2007)